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UNCLAS MADRID 003528

SIPDIS

SENSITIVE

EUR/WE FOR ALLEGRONE AND HALL
S/CT FOR MARC NORMAN

E.O. 12958: N/A

TAGS: [PTER](#) [PREL](#) [SP](#)

SUBJECT: "SPANISH TALIBAN" SENTENCED TO SIX YEARS IN PRISON

11. (U) Spain's High Court sentenced Spanish national Hamed Abderrahman Ahmed to six years in prison for "membership in a terrorist organization." Abderrahman, who was transferred to Spain from the U.S. base at Guantanamo in February 2004, is known in the press as the "Spanish Taliban" because he is the only Spanish national known to have been detained in Afghanistan fighting alongside Taliban forces. The two years he served under U.S. detention in Guantanamo will not/not count towards his six-year term.

12. (U) Though Abderrahman spent four months in detention following his transfer from Guantanamo, Judge Baltasar Garzon released him on bail in July 2004 after having determined that information obtained from Abderrahman while he was being held "illegally" in Guantanamo could not be used against him in a Spanish court. However, Spanish police continued to interview and investigate Abderrahman and that information, together with testimony by witnesses during the recently-concluded trial of the al-Qa'ida cell led by Imad Eddin Barakat Yarkas, led the High Court to accept demands by prosecutors to try Abderrahman for crimes committed in Spain.

13. (U) The High Court unexpectedly ordered Abderrahman's trial in late September, catching both prosecutors and defense attorneys off guard. During the one-day trial, Abderrahman's attorney argued that the evidence against him had been obtained illegally and could not be admitted into the trial. However, prosecutor Jesus Santos presented evidence obtained by Spanish authorities showing that Abderrahman had sought out al-Qa'ida recruiters and went to Afghanistan for training and to join a terrorist organization. The High Court agreed and convicted Abderrahman to six years in prison (the maximum sentence for membership in a terrorist group is nine years). The Embassy has requested a copy of the sentencing document from the National Prosecutor's office to undertake a closer review of the evidence against Abderrahman.

14. (SBU) The Embassy is investigating whether Spanish prosecutors are planning similar action against Lahcen Ikassrien, the Moroccan national transferred from Guantanamo to Spanish custody in July 2005 at the request of Spanish authorities.
AGUIRRE